THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1801 of 2006

Date:31-01-2006

Between:

R.Venkanna, S/o.Gopaiah.

….. Petitioner

AND

The Regional Manager, APSRTC, Warangal Region,

and others.

….. **Respondents**

ORDER:

The petitioner is employed as a conductor in APSRTC. He was issued a charge-sheet, dated 27-03-1996, alleging certain cash and ticket irregularities, and that he was required to submit the explanation as to why necessary disciplinary action shall not be taken against him. The petitioner submitted his explanation on 31-03-1996. On a consideration of the same, the 3rd respondent passed an order, dated 06-04-1996, imposing the punishment of deferment of annual increment for a period of one year with cumulative effect. The petitioner challenges the same.

The only point urged by Y.Subba Rao, the learned counsel for the petitioner, is that the 3rd respondent imposed the punishment of deferment of annual increment for a period of one year with cumulative effect, without conducting departmental enquiry. He placed reliance upon the judgment of the Apex Court

i n ***KULWANTH SINGH GILL v. STATE OF PUNJAB*** and submits that deferment of increment is a major penalty and it cannot be imposed, except by conducting departmental enquiry.

Smt P. Rajani Reddy, the learned Standing Counsel appearing for the respondents, on the other hand, submits that the punishment imposed against the petitioner itself is minimal, if the lapse on his part is taken into account.

It is a matter of record that the 3rd respondent imposed the punishment of deferment of annual increment for a period of one year with cumulative effect on the basis of the charges levelled against him. Though the charge-sheet was issued to the petitioner, before the punishment was imposed, no departmental enquiry was conducted. I n ***KULWANTH SINGH GILL's case*** (supra), the Supreme Court held that deferment of increments with cumulative effect, is a major penalty, and it cannot be imposed, except by conducting departmental enquiry. In view of the same, the impugned order cannot be sustained.

In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the 3rd respondent to pass fresh orders. To avoid further delay and complication in the matter, this Court is of the view that the impugned order can be treated, as the one for deferment of annual increment, for a period of one year, without cumulative effect.

Hence, the writ petition is partly allowed, directing that the order, dated 06-04-1996, passed by the 3rd respondent shall be treated as the one for deferment of annual increment, for a period of one year, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs.

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31-01-2006

Prv